

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

STATE OF MISSOURI ex rel.	)	
RYAN FERGUSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	WD76058
	)	
DAVE DORMIRE, Warden,	)	
Jefferson City Correctional Center,	)	
	)	
Respondent.	)	

**ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS**

On April 30, 2013, the Court directed Respondent Dormire to file an answer to the petition for writ of habeas corpus. Missouri Supreme Court Rule 91.09. The Court identified three elements to an answer under that Rule. The Court stated that the answer should (a) “be directed to the petition,” (b) contain a statement whether the Petitioner is restrained and the authority for such restraint, and (c) discuss the authority for Petitioner’s transfer, assuming he had been transferred. (Order, p. 2 *citing* Rule 91.09(b)).

About requirement (a), the Court’s Order expressly permits Respondent to incorporate by reference the previously-filed “Suggestions in Opposition to Petition for Writ of Habeas Corpus.” (Order, p. 2, ¶2). In light of this

permission, Respondent incorporates by reference its previously-filed Suggestions.

About requirement (b), Petitioner Ferguson is restrained by Respondent Dormire due to the sentence and judgment of the Boone County Circuit Court. A jury found Ferguson guilty of second-degree murder and first-degree robbery and recommended sentences of thirty years and ten years' imprisonment with the Missouri Department of Corrections. Respondent Dormire attaches a copy of the sentence and judgment as Answer Exhibit A. The Court of Appeals affirmed the sentence and judgment on direct appeal. *State v. Ferguson*, 229 S.W.3d 612 (Mo. App. W.D. 2007). The Court of Appeals also affirmed the denial of post-conviction relief under Missouri Supreme Court Rule 29.15. *Ferguson v. State*, 325 S.W.3d 400 (Mo. App. W.D. 2010). Ferguson's efforts to obtain state habeas relief have been unsuccessful. *Ferguson v. State*, No. 08AC-CC00721 (Cole County Circuit Court); *Ferguson v. Dormire*, No. WD70818 (Mo. App. W.D.); *Ferguson v. Dormire*, No. SC90095 (Mo. banc); *Ferguson v. Dormire*, No. 11AC-CC00068 (Cole County Circuit Court); *Ferguson v. Dormire*, No. WD73705 (Mo. App. W.D.).

As to the third element of the Answer, Petitioner Ferguson remained in Respondent Dormire's custody after the January 30, 2013 filing of the petition.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent through the eFiling system, this 20 day of May, 2013, to:

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